REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action mailed October 17, 2005. In the Final Office Action, claims 1, 5-9, 13-17, and 21-24 remain rejected under 35 U.S.C. § 102, and claims 2-4, 10-12, and 18-20 remain rejected under 35 U.S.C. § 103.

Reconsideration in light of the following remarks made herein is respectfully requested. Applicants respectfully submit that the Examiner has misconstrued the teachings of the cited references and Applicants' claims.

Applicants respectfully submit that the case is now in condition for allowance or in better form for appeal.

Rejections Under 35 U.S.C. § 102

The Examiner has maintained the rejection of claims 1, 5-9, 13-17, and 21-24 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,463,586 issued to Jerding (hereinafter Jerding).

MPEP § 2131 provides:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The *identical invention* must be shown in as complete detail as contained in the ... claim." (Emphasis added). *Richardson v. Suzuki Motor Co., 868* F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants' independent claims 1 and 9 generally relate to programs for: displaying channel identifiers on a display device...selecting one of the channel identifiers in response to a first input...and displaying a pop-up for the selected channel identifier on the display device...wherein...*the pop-up displays first program data associated with the first program of the selected channel identifier in response to the first input and the user interface (claim 1) or client terminal (claim 9) receives a second input while the pop-up is displaying the first program*

data...and...the pop-up displays second program data associated with a second program of the selected channel identifier in response to the second input.

Applicants' independent claim 17 generally relates to a method for: displaying channel identifiers on a display device...receiving a first input to select one of the channel identifiers ...displaying a pop-up for the selected channel identifier on the display device...*the pop-up displaying first program data associated with the first program of the selected channel identifier in response to the first input...receiving a second input while the pop-up is displaying the first program data...the pop-up displaying second program data associated with a second program of the selected channel identifier in response to the second input.*

In one embodiment, an example is set forth in Applicants' patent application, and particularly described with reference to Figure 2 of Applicants' patent application, in which pop-up 212 displays first program data 107a associated with a first program (e.g. LAFEMME NIKITA) for the selected USA NETWORK CHANNEL (i.e., the *selected channel identifier*). Based upon a second input (e.g. a next selection) while the pop-up is displaying the first program data, pop-up 240 next displays second program data associated with a second program (e.g. LETHAL WEAPON) of the same *selected channel identifier* (e.g. USA NETWORK) in response to the second input.

Applicants respectfully submit that the Examiner has misconstrued Applicants' independent claims and the teachings of Jerding. Particularly, Applicants respectfully submit that Jerding does not teach each and every limitation of Applicants' independent claims 1, 9, and 17, nor does it teach the identical invention as set forth in Applicants' independent claims.

Applicants hereby reaffirm their arguments as to why Jerding does not anticipate or render obvious independent claims 1, 9, and 17 as set forth in the Remarks of Applicants' prior Response dated, July 1, 2005, but will not repeat them for brevity's sake.

Herein, Applicants would like to address the Examiner's "Response to Arguments" on pages 16-17 of the Final Office Action. Particularly, on page 17 of the Final Office Action, the Examiner states that:

> "Applicant further argues with respect to claims 1, 9, and 17 that Jerding does not disclose a pop-up that displays second program data associated with a second program of the selected channel identifier. However, as discussed above, the banner, menu, and browseable listing is considered a pop-up that can display FOX or "first program" along with its "first program data" furthermore the user can view another program e.g. BRAVO or "second program" along with its "second program data" shown in Fig. 7. The user is able to view the program data for FOX and BRAVO by entering the browser mode via the CBS KCBS or 'of the selected channel identifier'."

Based on the above, Applicants respectfully submit that the Examiner has misconstrued Applicants' claims and the teachings of Jerding.

Applicants respectfully submit that based upon the Examiner's own interpretation of Jerding, Jerding does not teach or suggest the claim limitations of Applicants' independent claims related to: a pop-up that displays first program data associated with a first program of the *selected channel identifier* in response to the first input and receiving a second input while the pop-up is displaying the first program data and the pop-up displaying second program data associated with a second program *of the selected channel identifier* in response to the second input.

First, Applicants respectfully submit for the reasons given in their previous Response, that Jerding does not teach or suggest a pop-up. However, even assuming *arguendo* a pop-up is taught, Jerding would still not teach or suggest all of Applicants' claim limitations.

As set forth above, the Examiner states that: "a pop-up…can display FOX or 'first program' along with its 'first program data'…" Furthermore, the Examiner states that: "the user can view another program e.g. BRAVO or 'second program' along with its 'second program data' shown in Figure 7." However, Applicants respectfully submit that Figure 7 of Jerding clearly shows FOX and BRAVO as separate channel identifiers for separate channels (i.e. the FOX broadcast network and the BRAVO broadcast network).

When a user of Jerding selects the FOX channel identifier, as shown in Figure 7, program data, e.g., "Stories from Around the World…4:00 – 4:30 pm..." (shown at the bottom of

information banner 120), associated with the current program being shown on the FOX network is displayed.

The selection of the BRAVO channel identifier is the selection of a different channel identifier and a different channel, resulting in the display of different program data associated with the current program being shown on the BRAVO network.

This is completely different than Applicants' independent claim limitations, in which the pop-up displays second program data associated with a second program *of the same selected channel identifier in response to the second input*.

Applicants respectfully submit that the Final Office Action's assertion that the selection of another service or channel (e.g. selecting BRAVO) from the service listing 160 to display a different channel and different program guide information 132 associated with the different channel in the information banner 120 does not teach or suggest Applicants' independent claim limitations directed to a *pop-up displaying second program data associated with a second program of the selected channel identifier*.

Jerding quite simply does not teach or suggest a pop-up that displays second program data associated with a second program *of the same selected channel identifier*.

Applicants respectfully submit that Jerding does not describe each and every limitation as set forth in Applicant's independent claims 1, 9, and 17. Therefore, a prima facie case of anticipation is not present.

It should be noted that claims 2-4, 10-12, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Jerding in view of U.S. Patent No. 6,463,586 issued to Alexander et al. (hereinafter Alexander). Alexandar was cited merely for allegedly teaching next, previous, and record icons and does not relate to the use of pop-ups and likewise does not teach or suggest the limitations of Applicants' independent claims 1, 9, and 17.

In view of the above, Applicants respectfully submit that Jerding either alone or in combination with the other references of record does not teach or suggest the limitations of

Applicants' independent claims 1, 9, and 17 and therefore does not anticipate or render obvious Applicants' independent claims.

Accordingly, Applicants respectfully submit that independent claims 1, 9, and 17, and the claims that depend therefrom, are patentable, and Applicants respectfully request that they be allowed and passed to issuance.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1-24 define the subject invention over the prior art of record. Thus, Applicants respectfully submit that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 9, 2005

By _____

Eric T King
Reg. No. 44,188
Tel.: (714) 557-3800 (Pacific Coast)

Attachments

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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